

D. Filing a Reply Brief

After the other party has filed a response to your brief, as appellant or petitioner, you have the option to submit a reply brief. If you followed an informal briefing schedule, you may file an informal reply brief within 14 days after respondent or appellee's brief is served. FCR 31(e)(3). If you followed a formal briefing schedule, you may file a formal reply brief within 21 days after respondent or appellee's brief is served. FRAP 31(a). You are **NOT** required to file a reply brief. If you choose to file one, you must follow the same format and rules as with your opening brief except that your reply brief must be 15 pages or shorter. You may use [Form 17](#) for your informal reply brief.

As an appellee or respondent, you are not entitled to a brief beyond your formal or informal response brief.

VII. Filing a Motion

Motions are used to ask this court to do something, also known as "asking for relief." Motions are governed by FRAP 27 and FCR 27 (and not the Federal Rules of Civil Procedure). You may file a motion or a response to a motion from the other party. If you file a motion or response, it may not exceed 5,200 words if produced electronically, or 20 pages otherwise. FRAP 27(d)(2). When filing a motion, you are required to contact the opposing party to see if they will agree to the request (known as "consent"), and your motion should reflect whether the other party agrees or disagrees. FCR 27(a)(5). A party may respond to a motion, but in many instances, the court may act before the response is due. FRAP 27(b). Only one copy of a motion must be filed. If a party files a response to your motion, you may file a reply within seven days after the response is served. Any reply is limited to 2,600 words if produced electronically, or ten pages otherwise.

A. Motion Requirements

Your motion must include the following:

- Name of this court
- Caption
- Case number
- The title of the motion (the title should succinctly explain what you are asking for)
- Statement of other party's consent or opposition

- Statement regarding the relief sought and supporting legal grounds
- Your signature
- Certificate of service, if applicable

If necessary, you may attach relevant documents to your motion as exhibits, which do not count toward your page limit. Label all exhibits and attach them to your motion. FCR 27(d).

You will be notified when a decision has been made regarding a motion. You may check the status through your PACER account.

B. Sample Types of Motions

Below are examples of common motions and special procedures associated with filing them.

1. Motion to Extend Time

Motions to extend time to file a document should be received by the court at least seven days before the deadline for filing the document. FCR 26(a)(2).

2. Motion for Reconsideration, Vacatur, or Modification of an Order or Action

If you are adversely affected by an order of the court, you may file a motion for reconsideration, vacatur, or modification within 14 days of the order or action. FCR 27(j) and 45(b). If you would like to petition for rehearing from an adverse court decision on the merits of your case, please refer to FRAP 35 and 40, FCR 35 and 40, and the information included in this guide.

3. Motion for Reconsideration of Dismissal by Clerk of Court

The Clerk of Court may dismiss an appeal for failure to follow the Federal Rules of Appellate Procedure or the Federal Circuit Rules. Motions for reconsideration of a dismissal must be filed within 14 days after the issuance of the order of dismissal and may not exceed five pages. The motion must otherwise follow the guidelines under FRAP 27 and FCR 27. An unrepresented party may file an informal motion for reconsideration, which may be in the form of a letter, and must not exceed five typewritten double-spaced pages. A copy of the dismissal order must be attached to the motion. FCR 45(a).

4. Motion to Correct/Supplement

A motion to correct or supplement may be filed at any time and should specify what it is you would like to correct or supplement.

C. Responses to Motions

If the other party files a motion that you wish to oppose, you may file a response within ten days of the date the motion was served. A decision may be made on a motion before you have a chance to respond. Motions for extension of time are commonly acted on without waiting for a response. The court will not act on an opposed dispositive motion before the time to respond has expired. FRAP 27(b), FCR 27(b).

If a party files a response to a motion you submitted, you may file a reply to that response within seven days of the date the response was served.